

IN THE CIRCUIT COURT OF CHOCTAW COUNTY, MISSISSIPPI

WATSON SIMMONS and MARY SIMMONS

PLAINTIFFS

vs.

CAUSE NO. 2004-0036-CV-M

FIRST CHEMICAL CORPORATION, ET AL.

DEFENDANTS

PLAINTIFFS' ORIGINAL COMPLAINT
JURY TRIAL REQUESTED

COME NOW, WATSON SIMMONS and MARY SIMMONS, Plaintiffs herein, complaining against the various Defendants listed below, and for their causes of action, Plaintiffs would respectfully show this court the following:

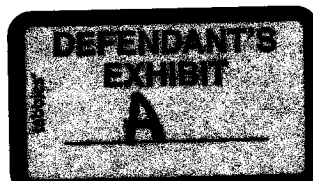
PLAINTIFFS

Plaintiffs WATSON SIMMONS and MARY SIMMONS are adult resident citizens of the State of Mississippi, whose address is: 115 Westwood Drive, Eupora, Mississippi.

Plaintiffs are adult resident citizens of the State of Mississippi or other states of the United States; personal representatives of the heirs at law and/or wrongful death beneficiaries of the decedents, pursuant to Mississippi Code Annotated Section 11-7-13 (1972 as amended); and/or personal representatives of the estates of the deceased Plaintiffs, and are listed and identified above.

DEFENDANTS

The Defendants, numbered one (1) through eighty-nine (89), are corporations or successors in interest to such corporations who are citizens of (i) Mississippi or (ii) states other than Mississippi, who have either obtained certificates of authority to



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transact business in Mississippi pursuant to Section 79-3-211 et seq., Mississippi Code of 1972, or who transacted business in Mississippi without a certificate of authority, but within the contemplation of Section 13-3-57 of said Code, (iii) or have committed a tort in whole or in part in the State of Mississippi, done business in Mississippi or entered into a contract to be performed, in whole or in part in Mississippi, and are identified below. The Defendants are subject to the jurisdiction of this Court, and venue is properly in this Court, and service may be had on each defendant at the address listed.

This Court has subject matter jurisdiction. See, e.g. Article § 156 Mississippi Constitution 1890 and/or § 9-7-81 Mississippi Code 1972. This Court has jurisdiction of the parties, and venue is well and truly laid in this Court. See, e.g. § 11-11-3 and § 11-11-11 Mississippi Code 1972 and Rules 20 and 82 of the Mississippi Rules of Civil Procedure.

This civil action is brought pursuant to, among other things, the laws of the State of Mississippi, including, but not limited to, § 11-7-13 (wrongful death); § 91-7-231 (action accruing in administration) and/or § 91-7-233 (what actions survive to administrator). No claims are made pursuant to the laws of the United States, its statutes, or Federal Common Law.

1. Defendant, **FIRST CHEMICAL CORPORATION** is a Mississippi corporation and may be served with citation by serving its registered agent, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

2. Defendant **BAYER CORPORATION**, Individually and as successor-in-interest to Miles, Inc., Denka Chemical, Mobay Corporation and

Mobay Chemical Company, is an Indiana corporation doing business in the State of Mississippi that may be served through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

3. Defendant **ARISTECH CHEMICAL CORPORATION** is a Delaware corporation doing business in the State of Mississippi and no longer maintains an agent in this state for service of process. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to the defendants principal place of business at 600 Grant Street, Pittsburgh Pennsylvania, 15219.

4. Defendant, **BASF CORPORATION**, is a Delaware corporation doing business in the State of Mississippi. This Defendant may be served with citation through its registered agent: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

5. Defendant **E.I. DU PONT DE NEMOURS AND COMPANY, INC.** is a Delaware corporation doing business in the State of Mississippi and no longer maintains an agent in this state for service of process. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to the defendants principal place of business at 1007 Market Street, Wilmington, Delaware 19898.

6. Defendant, **FIRST CHEMICAL HOLDINGS, INC.** is a Mississippi corporation and may be served with citation by serving its registered agent, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232. ✓

7. Defendant, **UNIROYAL CHEMICAL COMPANY, INC.**, is a New Jersey corporation doing business in the State of Mississippi and does not maintain an agent in this state for service of process. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to the defendants principal place of business at One America Lane, Greenwich, Connecticut 06831.

8. Defendant, **CROMPTON CORPORATION**, is a Delaware corporation doing business in the State of Mississippi and does not maintain an agent in this state for service of process. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to the defendants principal place of business at One America Lane, Greenwich, Connecticut 06831.

9. Defendant, **SUNOCO, INC.**, is a Delaware corporation doing business in the State of Mississippi and does not maintain an agent in this state for service of process. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to the defendants principal place of business at 1209 Orange Street, Wilmington, Delaware 19801.

10. Defendant **AMERADA HESS CORPORATION, Individually and formerly known as Amerada Corporation and Amerada Petroleum Corporation**, is a Delaware corporation doing business in the State of Mississippi. Defendant may be

served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

11. Defendant, **AMERICAN OIL COMPANY, Individually and formerly known as Amoco Oil Company and Amoco, Inc.,** is a Delaware corporation doing business in the State of Mississippi. Defendant may be served with process through its registered agent for service, to wit: Prentice-Hall Corporation System, 506 South President Street, Jackson, Mississippi 39201.

12. Defendant, **AMOCO CHEMICAL COMPANY,** is a Delaware Corporation doing business in the State of Mississippi. This Defendant may be served with citation by serving its registered agent, to wit: Prentice-Hall Corporation System, 506 South President Street, Jackson, Mississippi 39201.

13. Defendant **AMOCO CORPORATION** is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent for service, to wit: Prentice-Hall Corporation System, 506 South President Street, Jackson, Mississippi 39201.

14. Defendant **AMOCO OIL COMPANY** is a Maryland Corporation doing business in the State of Mississippi. This Defendant may be served with citation by serving its registered agent to wit: Prentice-Hall Corporation System, 506 South President Street, Jackson, Mississippi 39201.

15. Defendant **ATOFINA PETROCHEMICALS, INC.,** is a Delaware corporation doing business in the State of Mississippi. Defendant may be served with

process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

16. Defendant **BP CHEMICALS, INC.**, is an Ohio corporation doing business in the State of Mississippi. Defendant may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

17. Defendant **BP CHEMICALS AMERICA, INC.**, is an Ohio corporation doing business in the State of Mississippi. Defendant may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

18. Defendant **BP AMOCO, INC.**, is a Delaware corporation doing business in the State of Mississippi. Defendant may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

19. Defendant **CHALMETTE REFINING, L.L.C.**, is a Delaware corporation doing business in the State of Mississippi. Defendant may be served with process through its registered agent for service, to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

20. Defendant **AMERICAN PETROFINA, INCORPORATED** is a Delaware corporation doing business in the State of Mississippi and may be served with process

through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

21. Defendant, **ASHLAND, INC., Individually and formerly known as Ashland Oil & Refining Company and Ashland Oil, Inc.,** is a Kentucky corporation doing business in the State of Mississippi and may be served with citation through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

22. Defendant **ASHLAND OIL, INC., Individually and formerly known as Ashland, Inc.,** is a Kentucky Corporation doing business in the State of Mississippi and may be served with citation through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

23. Defendant, **ATLANTIC RICHFIELD COMPANY, Individually and a successor in interest to Sinclair Oil Corporation,** is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving it registered agent to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

24. Defendant **ATOFINA CHEMICALS, INC., Individually and formerly known as Atochem North America, Inc., Elf Atochem North America, Inc. and Pennsalt Chemicals Corporation,** is a Pennsylvania corporation doing business in the State of Mississippi and may be served with process through its registered agent for

service, to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

25. Defendant **CHEMCENTRAL CORPORATION** is a Delaware corporation doing business in the State of Mississippi and may be served with citation through its registered agent for service, to wit: United States Corporation Company, 506 South President Street, Jackson, Mississippi 39201.

26. Defendant, **CHEVRON CHEMICAL COMPANY**, is a Delaware Corporation doing business in the State of Mississippi. This Defendant may be served with citation by serving its registered agent, to wit: Prentice-Hall Corporation System, 506 South President Street, Jackson, Mississippi 39201.

27. Defendant, **CHEVRON U.S.A. INCORPORATED**, Individually and as successor in Interest to **GULF OIL CORPORATION** and **WARREN PETROLEUM**, is a Pennsylvania Corporation doing business in the State of Mississippi. This Defendant may be served with citation by serving its registered agent, to wit: CSC of Rankin County, Inc., 2889 Lakeland Drive, Number 1502, Flowood, Mississippi 39232.

28. Defendant **CITGO PETROLEUM CORPORATION**, Individually and formerly known as **Cities Service RMT Corporation**, is a Delaware corporation doing business in the State of Mississippi and may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

29. Defendant **CITGO REFINING AND CHEMICALS, INC., Individually and formerly known as Champlin Refining and Chemicals, Inc. and Properchamp, Inc.,** is a Delaware corporation doing business in the State of Mississippi and may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

30. Defendant **COASTAL REFINING & MARKETING, INC.** is a Delaware Corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232. ✓

31. Defendant **CONOCO , INC., Individually, a/k/a Conoco Gas and Marketing, a Division of Conoco, Inc., and formerly known as Du Pont Holdings, Inc.,** is a Delaware corporation doing business in the State of Mississippi and may be served through its registered agent, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

32. Defendant **CONOCOPHILLIPS COMPANY,** is a Delaware corporation doing business in the State of Mississippi and may be served through its registered agent, to wit: CSC of Rankin County, Inc., 2889 Lakeland Drive, Number 1502, Flowood, Mississippi 39232. ✓

33. Defendant **CROWN CENTRAL PETROLEUM CORPORATION** is a Maryland Corporation doing business in the State of Mississippi and may be served

with citation by serving its registered agent, to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

34. Defendant **DIAMOND SHAMROCK REFINING AND MARKETING COMPANY** is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent, to wit: Prentice-Hall Corporation System, 506 South President Street, Jackson, Mississippi 39201.

35. Defendant, **THE DOW CHEMICAL COMPANY, Individually and as Successor in Interest to THE DOW CHEMICAL COMPANY (DELAWARE)**, is a Delaware Corporation doing business in the State of Mississippi. This Defendant may be served with citation by serving its registered agent to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

36. Defendant **EQUISTAR CHEMICALS, LP**, is a Delaware partnership doing business in the State of Mississippi and may be served with citation by serving its registered agent, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

37. Defendant **EXXON CORPORATION** is a New Jersey corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

38. Defendant, **EXXONMOBIL CORPORATION, Individually, f/k/a Mobil Oil Corporation, f/k/a Exxon Corporation, a/k/a Mobil Chemical Company, a Division**

of **ExxonMobil Oil Corporation**, is a New York corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent, to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

39. Defendant **EXXONMOBIL OIL CORPORATION, Individually, f/k/a Mobil Oil Corporation, and a/k/a Mobil Chemical Company, a Division of ExxonMobil Oil Corporation**, is a New York corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent, to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

40. Defendant **FINA OIL AND CHEMICALS** is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

41. Defendant **FINA, INC.** is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

42. Defendant **FLINT HILLS RESOURCES, LP, Individually and as successor in interest to Koch Chemical Company, Koch Refining Company, and Koch Specialty Chemical Company**, is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent, to

wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

43. Defendant **GULF OIL CORPORATION** is a Pennsylvania corporation doing business in the State of Mississippi. Defendant can be served with process through its registered agent for service, to wit: CSC of Rankin County, Inc., 2889 Lakeland Drive, Number 1502, Flowood, Mississippi 39232.

44. Defendant **HONEYWELL INTERNATIONAL, INC., Individually and formerly known as Allied Chemical Corporation**, is a Delaware corporation doing business in the State of Mississippi and may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

45. Defendant, **HUNTSMAN CHEMICAL CORPORATION, Individually, f/k/a Huntsman Corporation, and f/k/a Texaco Chemical Company**, is a Delaware corporation doing business in the State of Mississippi and does not maintain an agent in this state for service of process. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to the defendants principal place of business at 500 Huntsman Way, Salt Lake City, Utah 84108.

46. Defendant **J. M. HUBER CORPORATION** is a New Jersey corporation doing business in the State of Mississippi and may be served with citation by serving its

registered agent, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

47. Defendant **KERR-MCGEE CHEMICAL CORP., Individually and formerly known as The Baugh Chemical Company**, is a Maryland corporation doing business in the State of Mississippi and may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

48. Defendant **KERR-MCGEE CHEMICAL CORPORATION** is a Delaware corporation that no longer maintains a registered agent in the State of Mississippi. Defendant may be served with process pursuant to this states long arm jurisdiction, by serving the Secretary of State of Mississippi with process to be forwarded to its principal place of business at Post Office Box 25861, Oklahoma City, Oklahoma 73125.

49. Defendant **KERR-MCGEE CHEMICAL, LLC.,** is a Delaware corporation doing business in the State of Mississippi and may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

50. Defendant **KOCH INDUSTRIES, INC, Individually and formerly known as Koch Hydrocarbon Company, Rock Island Oil & Refining Co., Inc. and Wood River Oil & Refining Co., Inc.,** is a Kansas corporation doing business in the State of

Mississippi and may be served with process through its registered agent for service, to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

51. Defendant **LYONDELL-CITGO REFINING COMPANY LTD.** is a Texas limited liability company and may be served through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

52. Defendant **LYONDELL-CITGO REFINING LP** is a Delaware limited partnership doing business in the State of Mississippi and may be served with citation through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

53. Defendant, **MARATHON OIL COMPANY, Individually, f/k/a USS Holdings Company and f/k/a USX Corporation**, is an Ohio corporation doing business in the State of Mississippi. Defendant may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

54. Defendant, **MARATHON PETROLEUM COMPANY**, is a Delaware corporation doing business in the State of Mississippi and may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

55. Defendant **MOBIL CHEMICAL COMPANY, INC., Individually and f/k/a Mobil Chemical Corporation**, is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent, to wit: Prentice-Hall Corporation System, 506 South President Street, Jackson, Mississippi 39201.

56. Defendant **MONSANTO COMPANY** is a Delaware Corporation doing business in the State of Mississippi. This Defendant may be served through its registered agent for service: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

57. Defendant **OCCIDENTAL CHEMICAL CORPORATION, Individually and formerly known as Hooker Chemical Corporation, Hooker Chemicals & Plastics Corp. and Hooker Electrochemical Company**, is a New York corporation doing business in the State of Mississippi. Defendant may be served with process through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

58. Defendant **OCCIDENTAL PETROLEUM CORP.** is a California corporation that no longer maintains a registered agent in the State of Mississippi. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to the defendants principal place of business at 10889 Wilshire Blvd., Suite 1500, Los Angeles, California 90024.

59. Defendant **OXYCHEM/OCCIDENTAL CHEMICAL CORPORATION**, Individually and as Successor In Interest to Diamond Shamrock Corp. and as Successor In Interest to Tenneco Chemical Corp., is a New York corporation that no longer maintains a registered agent in the State of Mississippi. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to the defendants principal place of business at 10889 Wilshire Blvd., Suite 1500, Los Angeles, California 90024.

60. Defendant, **PHARMACIA CORPORATION**, formerly known as **Monsanto Company**, is a Delaware Corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

61. Defendant, **PHILLIPS PETROLEUM COMPANY**, Individually and a/k/a **PHILLIPS OIL COMPANY**, **PHILLIPS CHEMICAL COMPANY** and **PHILLIPS 66 COMPANY**, is a Delaware Corporation doing business in the State of Mississippi. This Defendant may be served with citation by serving its registered agent, to wit: CSC of Rankin County, Inc., 2889 Lakeland Drive, Number 1502, Flowood, Mississippi 39232.

62. Defendant **THE PURE OIL CORPORATION** is a Nevada corporation doing business in the State of Mississippi and may be served with citation through its registered agent for service, to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

63. Defendant **ROHM AND HAAS COMPANY** is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

64. Defendant **ROHM AND HAAS TEXAS, INC.** is a Texas Corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

65. Defendant, **SHELL OIL COMPANY Individually and a successor-in-interest to SHELL CHEMICAL CORPORATION**, is a Delaware Corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

66. Defendant **SIGNAL OIL AND GAS COMPANY** is a Delaware corporation doing business in the State of Mississippi and may be served with citation by serving its registered agent to wit: CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

67. Defendant **SIGNAL OIL & REFINING COMPANY, INC.** is a Delaware corporation that no longer maintains a registered agent in the State of Mississippi. Pursuant to the long-arm jurisdiction of this state, the defendant may be served with process by serving the Mississippi Secretary of State with process to be forwarded to